

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTEK HOLDINGS, INC. (D.B.A
MASCON INFORMATION
TECHNOLOGIES, LTD.),

Defendant.

FILED: MAY 1, 2008
08cv2481 J. N.
No. JUDGE KENNELLY
MAG. JUDGE NOLAN

Judge

COMPLAINT

The United States, by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, brings this action against the defendant, Martek Holdings, Inc. (d.b.a. Mascon Information Technologies, Ltd., and for its cause of action states:

1. This court has jurisdiction over this matter pursuant to 28 U.S.C. § 1345.
2. The defendant resides within the Northern District of Illinois.
3. The defendant became indebted to the United States as set forth in the Certificate of Indebtedness attached as Exhibit "A" for a civil penalty imposed by the United States Department of Labor, Employee Benefits Security Administration ("EBSA") for violations of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001, *et seq.*, and regulations promulgated thereunder.
4. Although demand has been made for payment, there remains due and owing the principal sum of \$47,550.00, plus interest calculated through November 7, 2007 in the sum of \$1,855.39. Administrative charges in the amount of \$14,458.46 and Penalty Charges in the amount of \$2,085.69. Interest continues to accrue at the rate of 4.0 % per annum.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

- a. in the amount of \$65,949.54, which represents principal, administrative and penalty charges and interest due through November 7, 2007;
- b. interest to continue to accrue at the rate of 4.0% per annum until the date of judgment;
- c. interest from the date of judgment at the statutory rate pursuant to 28 U.S.C. §1961 until paid in full;
- d. costs of suit, including but not limited to, a filing fee of \$350.00, as authorized by 28 U.S.C. § 1914(a), and
- e. for such other proper relief as this court may deem just.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: s/Melissa A. Childs
MELISSA A. CHILDS
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-5331
melissa.childs@usdoj.gov



U. S. DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
WASHINGTON, D. C.

ACTING ON BEHALF OF
U.S. Department of Labor, Employee Benefits Security Administration
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and
Address(es):

Martek Holdings, Inc. (d.b.a. Mascon Information Technologies, Ltd.)
1627 West Colonial Parkway, Suite 303
Palatine, IL 60067

Mascon
1699 East Woodfield Road
Schaumburg, IL 60173

Total debt due United States as of November 6, 2007: \$65,949.54

I certify that the U.S. Department of Labor, Employee Benefits Security Administration (EBSA) records show that the debtor named above is indebted to the United States in the amount stated above.

The claim reportedly arose in connection with the debtor's failure to comply with annual report filing requirements under the Employee Retirement Insurance Security Act, 29 U.S.C. 2001, et seq., as it pertained to a Profit Sharing Plan administered by the debtor in 2003.

CERTIFICATION: Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Labor, Employee Benefits Security Administration.

Date:

11/07/07

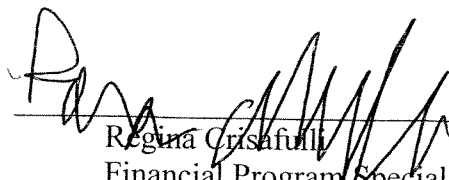

Regina Grisafulli
Financial Program Specialist
U.S. Department of the Treasury
Financial Management Service

EXHIBIT A